

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201801393	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/15/2018 7:00 PM	Location of Incident: East 116th Street and 2nd Avenue	Precinct: 25	18 Mo. SOL 8/15/2019	EO SOL 8/15/2019	
Date/Time CV Reported Wed, 02/21/2018 10:49 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/21/2018 10:49 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			PSA 5
2. POM Aman Rana	14952	956191	PSA 5
3. POM Daniel Rodney	02818	949555	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.POM Aman Rana	Abuse: Police Officer Aman Rana stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Daniel Rodney	Abuse: Police Officer Daniel Rodney stopped the vehicle in which § 87(2)(b) was an occupant.	
C. An officer	Abuse: An officer stopped the vehicle in which § 87(2)(b) was an occupant.	
D. An officer	Abuse: An officer questioned § 87(2)(b)	
E. An officer	Abuse: An officer frisked § 87(2)(b)	
F. An officer	Abuse: An officer searched § 87(2)(b)	
G. An officer	Abuse: An officer searched the vehicle in which § 87(2)(b) was an occupant.	
H.POM Daniel Rodney	Abuse: Police Officer Daniel Rodney searched the vehicle in which § 87(2)(b) was an occupant.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On February 21, 2018, § 87(2)(b) called the CCRB and filed this complaint.

On February 15, 2018, at approximately 7:20 p.m., § 87(2)(b) vehicle was pulled over by Police Officer Aman Rana, Police Officer Daniel Rodney, and an unidentified officer, all from PSA 5, in the vicinity of East 116th Street and 2nd Avenue in Manhattan (**Allegation A, B and C - Abuse of Authority:** § 87(2)(g)). The unidentified officer allegedly questioned, frisked, and searched § 87(2)(b) (**Allegations D, E and F - Abuse of Authority:** § 87(2)(g)), and he and PO Rodney allegedly searched § 87(2)(b) vehicle (**Allegation G - Abuse of Authority:** § 87(2)(g); **Allegation H - Abuse of Authority:** § 87(2)(g)).

No summons or arrest resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Aman Rana stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Daniel Rodney stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: An officer stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) (Board Review 01) said that he was parking his vehicle when PO Rana and PO Rodney, both identified via investigation (Board Review 02), and the unidentified officer stopped his vehicle via turret lights and sirens. The three officers approached § 87(2)(b) vehicle and told him that he was stopped because he failed to signal on three occasions. § 87(2)(b) acknowledged it was possible he failed to signal because he was in a hurry to park his vehicle in a vacant parking spot.

PO Rodney (Board Review 03) and PO Rana (Board Review 04) did not recall this incident. PO Rodney said he and PO Rana were assigned to PSA 5 Anti-Crime and he did not recall if they were partnered with another officer. PO Rana said he and PO Rodney were partnered together for the duration of their tour and were not working with any other officer.

§ 87(2)(b) was not issued a summons nor was he arrested during this incident. Neither PO Rodney nor PO Rana had any memo book entries regarding this incident (see Allegations I and J).

Signals must be used to indicate an intention to turn, change lanes, or start from a parked position. New York State Vehicle and Traffic Law, §1163 (b) (Board Review 05).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Abuse of Authority: An officer questioned § 87(2)(b)

Allegation E: Abuse of Authority: An officer frisked § 87(2)(b)

Allegation F: Abuse of Authority: An officer searched § 87(2)(b)

Allegation G: Abuse of Authority: An officer searched the vehicle in which § 87(2)(b) was an occupant.

Allegation H: Abuse of Authority: Police Officer Daniel Rodney searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) said he provided his driver's license to the unidentified officer, who he described as a white man in his 30s, standing approximately 6'0" tall, 200 pounds, with a muscular build, short hair, and dressed in plainclothes. The unidentified officer then walked towards the rear of § 87(2)(b) vehicle. The unidentified officer returned approximately two minutes later and asked § 87(2)(b) if the vehicle belonged to him. § 87(2)(b) said yes. The unidentified officer asked § 87(2)(b) if he had any open warrants and if he had guns and drugs in his vehicle. § 87(2)(b) said no. The unidentified officer ordered § 87(2)(b) out of his vehicle and § 87(2)(b) complied. The unidentified officer frisked § 87(2)(b) from his waist down to his legs and reached his hands inside of § 87(2)(b) jacket and pants pockets. The unidentified officer then ordered § 87(2)(b) to stand at the rear of his vehicle with PO Rana. § 87(2)(b) complied.

The unidentified officer and PO Rodney partially entered § 87(2)(b) vehicle via the front driver's and front passenger's side doors, respectively, and they searched the glove compartment, center console, underneath the front and back seats, and the trunk. PO Rana told § 87(2)(b) that his vehicle was being searched because the officers had probable cause to believe he had guns in the vehicle. The search of § 87(2)(b) vehicle lasted approximately three minutes and yielded negative results. The unidentified officer returned § 87(2)(b) identification, told him to have a good day, and left.

As discussed above, PO Rana and PO Rodney did not recall this incident. No Stop, Question, and Frisk Report Worksheet was prepared for this incident (Board Review 14) and neither PO Rana nor PO Rodney had any memo book entries regarding this incident (see Allegations I and J).

The PSA5 tour three Roll Call (Board Review 06) identified eight officers as comprising the Anti-Crime team on the incident date. Aside from PO Rana and PO Rodney, one of the officers was a woman and the remaining five matched the generic description § 87(2)(b) provided for the unidentified subject officer. One of the officers, PO Karl Earl was listed as working with PO Rana and PO Rodney.

PO Earl (Board Review 07) did not recall this incident and denied ever interacting with § 87(2)(b). PO Earl said he was assigned to undergo a random drug test in Queens at the beginning of his tour and returned to the stationhouse at approximately 8:20 p.m., when he was assigned as the Anti-Crime sergeant's operator. PO Earl's CCRB statement is consistent with his memo book entries (Board Review 08). The Roll Call notes that the Anti-Crime sergeant's originally assigned operator was reassigned to court that day.

Sgt. Juan Nolasco, the PSA5 Anti-Crime sergeant, (Board Review 15) did not recall this incident and denied ever interacting with § 87(2)(b). Sgt. Nolasco said he was at the PSA5 stationhouse at the time of this incident and waited for PO Earl to return from his drug test before

leaving for patrol. Sgt. Nolasco had no memo book entries for around the time of this incident (Board Review 16).

On June 14, 2018, § 87(2)(b) viewed single photos of the six officers assigned to the PSA 5 Anti-Crime team on the incident date. He identified PO Rana as the officer who stood at the rear of his vehicle with him as the other two officers searched the vehicle, but he did not recognize any of the other officers in the photos (Board Review 10).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11).
- PO Rana has been a member-of-service for four years and has been a subject in four CCRB complaints and 11 allegations, of which one was substantiated:
 - Case #201411370 involved a substantiated allegation of a retaliatory summons against PO Rana. The Board recommended formalized training and the NYPD concurred.
 - § 87(2)(g)
- PO Rodney has been a member-of-service for eight years and has been a subject in one CCRB complaint and three allegations.
 - Case #201802249, involves allegations of frisk, vehicle stop, and vehicle search against PO Rodney. This case is pending Board Review.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- As of July 31, 2018, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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